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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,945	06/23/2003	David S. Benco	LUTZ 2 00221	7837

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EXAMINER

ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/601,945

Applicant(s)

BENCO ET AL.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040623</u> . | 6) <input type="checkbox"/> Other: ____.  |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 10-23, and 28-33 are rejected under 35 U.S.C. 102(a) as being anticipated by Sheha et al.

Sheha et al disclose a system and method for providing real-time position of a caller to a called party or of a called party to the caller. The caller and the called party communicate via telephones with a telephone network. The conventional Caller-ID message is adopted to include positional information. The positional information may be derived from an on-board positioning device such as GPS or by using a network positioning approach using the network wireless stations. The position information that is provided to the respective party may include any of geographical mapping information, longitude/latitude information, and address information. In view of the embodiment that utilizes GPS and address, it is inherent that the positional information derived from the GPS is converted from the coordinate data to address or mapping information. The ODAS (on-line database and application server) verifies authentication and authorization protocols and correlates the telephone number identification data to update the position database.

3. Claims 1-5, 10-23, and 28-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Emery et al.

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Emery et al disclose the claimed method and system including a mobile, wireless device and a telephone network wherein a telephone ID is combined with a location ID, stored in a PSTN in a dynamic fashion and providing access of such information to the calling as well as the called party. A location ID stored in the database is captured by any of the well-known wireless radio positioning systems including onboard, such as by GPS, and by the network, such as by radio triangulation. The Location ID is derived from mapping geographic data equivalent to the coordinate system to a street address.

4. Claims 1-5, 10-23, and 28-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Brisebois et al.

Brisebois et al disclose a system and method, Figs 2 and 3, for providing dynamic information to called and calling parties indicating the context of a communication event. The context information may by location information, see [0018]. The network can match GPS data to a location translation table.

5. Claims 1-2, 12, 19, 20, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Alpervich et al.

Alpervich et al disclose the claimed method and system for including location information of a called party to a called party and vice versa wherein a location database at a station controller cross-references location information in the format it is received in by a master control station with approximate geographical landmarks, for example, the location information might contain the coordinates such as latitude and longitude and the cross-referenced landmarks can be a municipality or district, see Figures 2-3, e.g.

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6. Claims 31-34 are rejected under 35 U.S.C. 102(a,b) as being anticipated by either of Chern or Loomis et al.

Each of Chern and Loomis et al disclose a base station that receives coordinate data, converts the coordinate to a common description of a location and transmit the common description. See Chern, col. 4, lines 13-21, and Figure 7 and its description starting in col. 10. See Loomis et al, Figures 1 and 3.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-9, 24-27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Sheha et al, Emery et al and Brisebois et al in view of McCaughan et al.

Each of Sheha et al, Emery and Brisebois et al teach the subject matter substantially as claimed but fails to specifically describe the triangulation using two-way ranging messages. However, each of the references disclose the conventionality of using wireless radio triangulation systems which are generally well known to the artisan. McCaughan et al teach the conventionality of measuring position in a radio communication system using time delay measurements between a mobile device and each of a plurality of base stations, calculating a respective plurality of ranges and determining the position of the mobile station using triangulation. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify any of Sheha et al, Emery et al and Brisebois et al by substituting the use of time delay measurements from base stations to locate the mobile receivers

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in the event that GPS satellites are obscured and cannot be received in view of the teachings of McCaughan et al.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rochkind discloses a method and apparatus for use in wireless communications, including a paging system or a cellular telephone network, wherein the location of a calling party is determined using a wireless location sensor and the location is stored in a database at a message platform so that a wireless device subscriber, called party, is provided with the identification and location of the calling party.

Chang et al disclose a method for delivering enhanced caller identification service in a telecommunication network wherein geographic location information is included in the caller ID message.

Cannon et al disclose caller ID equipment wherein location of the caller is additionally provided to the called party.

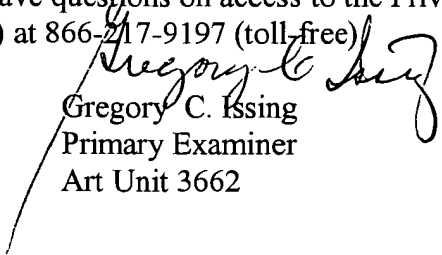
Grimes discloses a cellular telephone system that requires location information for 911 wherein a database receives the coordinate data and converts such into municipal location information, see col. 6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory C. Issing  
Primary Examiner  
Art Unit 3662

gci